

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the indication that claims 15 and 16 are allowable and that claims 6, 7, 11 and 12 contain allowable subject matter.

In the Official Action, the Examiner objects to claims 1 and 15 because the recitation of "proximal end portion side" and "distal end portion side" therein should be -- proximal end portion-- and --distal end portion--, respectively. In response, claims 1 and 15 have been amended as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to claims 1 and 15 be withdrawn.

In the Official Action, the Examiner rejects claims 1-4, 8, 10, 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,027,460 to Shturman, (hereinafter "'460 Shturman"). Additionally, the Examiner rejects claims 1-5 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,360,432 to Shturman, (hereinafter "'432 Shturman"). Lastly, the Examiner rejects claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over '432 Shturman in view of U.S. Patent No. 4,927,418 to Dake et al., (hereinafter "'Dake").

The guide wire recited in claim 1 has a characteristic that a retainer (e.g., a retaining wire) is joined at the distal end portion of the guide wire body so as to prevent relative movement between the distal end portion of the guide wire body and the distal end portion of the retainer. Thus, movement of the guide wire body is restricted (i.e. its back-and-forth displacement is prevented) by joining the retainer. For this reason, the retainer is joined so as not to slide relatively to the guide wire body.

Independent claim 1 has been amended to clarify this distinguishing feature. Specifically, independent claim 1 has been amended to clarify that the distal end portion of the retainer being joined to the distal end portion of the guide wire body to prevent relative movement between the distal end portion of the guide wire body and the distal end portion of the retainer. The amendment to claim 1 is fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the present amendment to independent claim 1.

In '460 Shturman and '432 Shturman, a retaining wire (170 or 70) is slidingly provided relative to a guide wire body (190 or 95) (see FIG. 26 of USP 6,027,460 and FIG. 16 of USP 5,380,432). Thus, even if the retaining wire (170 or 70) is retained, the guide wire body (190 or 96) can move relative to the retaining wire and, unlike the guide wire recited in claim 1, the movement of the guide wire body cannot be restricted to the retainer.

With regard to the rejection of claims 1-5, 8-10, 13 and 14 under 35 U.S.C. § 102(b), a guide wire having the features discussed above and as recited in independent claim 1, is nowhere disclosed in either '460 Shturman or '432 Shturman. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"<sup>1</sup> independent claim 1 is not anticipated by either '460 Shturman or '432 Shturman. Accordingly, independent claim 1 patentably distinguishes over both '460 Shturman and '432 Shturman and is allowable. Claims 2-5, 8-10, 13 and 14 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-5, 8-10, 13 and 14 under 35 U.S.C. § 102(b).

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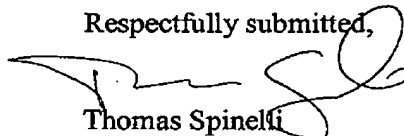
<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

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With regard to the rejection of claims 13 and 14 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 13 and 14 are allowable therewith because they depend from an allowable base claim.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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